IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 12485 of 2007(J)

PETITIONER:

ALEXANDER JACOB, PLAVINAL PUTHEN VEEDU,
KARUVATTA, ADOOR P.O.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

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1. CANARA BANK, ADOOR BRANCH,
REPRESENTED BY ITS MANAGER.

2. AUTHORISED OFFICER, CANARA BANK,
ADOOR BRANCH.

BY SRI. P. GOPINATH MENON - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J

W.P.(C)NO.12485 of 2007

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner is a defaulter in repayment of loan amounts due to the first respondent Bank. The first respondent Bank therefore initiated proceedings under the Securitisation and Reconstruction of the Financial Assets and Enforcement of Security Interest Act 2002(Act) for bringing the security interest to sale. The said proceedings are challenged in this writ petition. However, now the petitioner confines his prayer for a direction to the respondents to permit the petitioner to pay the balance amount in instalments.

2. I have heard the learned Standing Counsel appearing for the respondents also, who stoutly opposes the prayer. According to him, it is after several notices issued to the petitioner that the respondents were constrained to initiate proceedings under the Act since the petitioner did not care to settle the loan account.

3. After considering the rival contentions, I feel that some

indulgence can be shown to the petitioner in the matter of repayment of the loan amounts. Accordingly, the writ petition is disposed of on the following terms:-

The petitioner shall pay an amount of Rs.3 lakhs within one month from today. The balance amount shall be paid in six equal monthly instalments starting from 2.7.2007. Subsequent instalments shall be paid on the first working day of every succeeding month. If the petitioner pays the above amount and instalments in time, proceedings now initiated under the Act shall be kept in abeyance. However, if the petitioner commits default in payment of either the Rs.3 lakhs or any of the instalments as directed above , it would be open to the respondents to continue the proceedings now initiated without having to issue any fresh notice or proceedings in that regard.

S.SIRI JAGAN, JUDGE

CSS